



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*610 Federal Plaza  
Central Islip, New York 11722*

May 31, 2022

By ECF

Honorable James M. Wicks  
United States Magistrate Judge  
Eastern District of New York  
1020 Federal Plaza  
Central Islip, New York 11722

Re: *Susan Byrne v. United States of America,*  
Civil Action No. 20-CV-5931 (Brown, J.) (Wicks, M.J.)

Dear Magistrate Judge Wicks:

This Office represents Defendant United States of America (“Defendant”) in the above-captioned Federal Tort Claims Act (“FTCA”) action in which Plaintiff Susan Byrne (“Plaintiff”) alleges that she was seriously injured as the result of tripping on uneven pavement outside of a USPS post office, located at 1816 Wading River Manor Road, Wading River, New York (“Wading River Post Office”) on August 26, 2019. Defendant writes, on behalf of all parties, to respectfully request a 60-day extension of the discovery deadlines in this action, as set forth below.<sup>1</sup> This is the parties’ fourth request for an extension of time to complete discovery.

This adjournment is being sought to allow the parties time to complete fact discovery and depositions. Plaintiff had been scheduled to be deposed on September 20, 2021, January 21, 2022, and March 29, 2022, however, due to medical issues that arose shortly before each deposition, Plaintiff has been unable to appear as scheduled. Most recently, Plaintiff was scheduled to be deposed on Tuesday, March 29, but was unable to attend after being hospitalized on Friday March 24. The parties were working to set a new date for Plaintiff’s deposition but, through mutual oversight, never arrived at a new date for the deposition. For these reasons, the parties respectfully request that the Court enter the following amended discovery deadlines:

Status Conference: June 2, 2022 (currently scheduled for 9:30 via zoom)

Completion of fact discovery/depositions: July 29, 2022 (currently May 31)

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<sup>1</sup>The parties are aware of Your Honor’s Individual Rule I.D and apologize for the delay in submitting this request.

Identification of case-in-chief experts:	August 26, 2022 (currently June 28)
Identification of rebuttal experts:	September 23, 2022 (currently July 26)
Status Conference	September 30, 2022 (currently August 2)
Close of all discovery:	October 21, 2022 (currently August 23)
Commencement of motion practice:	November 11, 2022 (currently September 13)
Final Pre-Trial Conference	November 21, 2022 (currently September 23)

Thank you for the Court's time and consideration of this request.

Respectfully submitted,

BREON PEACE  
United States Attorney

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cc: Via ECF  
All counsel of record